

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES ORLANDO,

Plaintiff

v.

RODEWAY INN, et al.,

Defendants

Case No.: 2:22-cv-00404-APG-BNW

Order Granting Motion to Alter or Amend

[ECF No. 52]

On August 30, 2024, I advised plaintiff James Orlando that I would dismiss his claims against defendant SMRUTI, LLC if he did not take action to move the case forward. ECF No. 45. Orlando moved for entry of default, which was entered. ECF Nos. 47, 48. But the case again languished with no activity, so I ordered Orlando to move for default judgment by February 21, 2025 or I would dismiss his claims for failure to prosecute. ECF No. 49. Orlando did not move for default judgment so I dismissed this case. ECF No. 51.

Orlando has now filed a “motion to alter or amend,” requesting that I set aside my dismissal order. ECF No. 52. Orlando’s counsel contends he missed the deadline because he was “having difficulty procuring all of [Orlando’s] medical and billing records.” *Id.* at 2-3. Counsel does not explain why he has been unable to obtain those records during the three-plus years this case has been pending. No subpoenas have been issued and no motions to compel have been filed. Nevertheless, in order to avoid prejudicing Orlando for his counsel’s apparent lack of diligence I will set aside my dismissal order and reopen this case. Orlando may move for default judgment by May 22, 2025.

I THEREFORE ORDER that Orlando’s motion to alter or amend (ECF No. 52) is granted. I rescind my prior order (ECF No. 51) and direct the clerk of court to reopen this case.

1 If Orlando does not file a motion for default judgment by May 22, 2025, this case will be
2 dismissed and closed.

3 DATED this 12th day of May, 2025.

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6 ANDREW P. GORDON
7 CHIEF UNITED STATES DISTRICT JUDGE
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